

**MINUTES
BOARD OF SELECTMEN
TUESDAY, OCTOBER 17, 2006
REGULAR SESSION
SELECTMEN'S MEETING ROOM, TOWN HALL
6:00 PM**

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 6:00 PM in the Selectmen's Meeting Room at Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

EXECUTIVE SESSION

Conduct negotiations with non-union personnel

The Board moved: to enter into executive session for the purpose of conducting negotiations with non-union personnel and subsequently to return to open session.

Motion carried unanimously (3-0). The Board entered executive session at 6:01 PM.

(During executive session, two substantive motions were made and passed unanimously.)

The Board returned to open session at 7:04 PM.

QUESTIONS FROM TOWN RESIDENTS

Resident Jeff Buster of Trapelo Road showed the Board a PowerPoint presentation documenting a gas leak on October 5 at McLean Hospital across the street from his residence. Mr. Buster said that a dust cloud was produced by the rupture that drifted all afternoon as far as Watertown. He said that the gas company searched for two hours for the gas line and gas shut-off valve and never found the valve. For the last week and a half they had been digging right over the line, and the gas line was right near the surface. The excavator said the line was not marked through DigSafe. Mr. Buster asked for a formal review of the accident which could have been far more serious. He was told by McLean he couldn't take photos and thought that was an inappropriate response.

The Board asked the Town Administrator to coordinate with Community Development Director Glenn Clancy and other town officials as appropriate to investigate the matter further as to how the DigSafe process should have worked in this case.

ACTION BY APPOINTMENT

Conservation Restriction between Belmont Land Trust and Massachusetts Audubon Society

Dix Campbell and Sam Knight from the Belmont Land Trust appeared before the Board. The request is to place a conservation restriction on a small parcel of land near the Belmont Hill Club which links the Mass Audubon Habitat with the McLean Property. The Club will be selling the land to Mass Audubon, after which the restriction would be put in place.

Selectmen Firenze said he would abstain in case his membership in the Belmont Hill Club created any conflict of interest.

The Board moved: to approve the conservation restriction and sign the document executing such.

Motion carried 2-0 with one abstention (Firenze).

Town Moderator Discussion re: Town Reports Printing and Distribution

Town Moderator Henry Hall appeared before the Board and explained that until last year the Town printed about 500 copies of the annual report, including copies for each Town Meeting Member. This was the second year that copies were not distributed to the Town Meeting Members. Mr. Hall feels the spirit of the Town's by-laws has been violated.

The Board noted that the report was available on the Internet and copies were available at the Town Hall and some at the library. Mr. Hall said many Town Meeting Members do not have access to the Internet, and that Town Meeting Members need to have the financial information in the report.

Mr. Younger stated the last cost estimate on printing 500 copies of the Town Report was approximately \$3,500. The Board felt it would be better to print the copies than to spend a great deal of time arguing over a relatively small expense.

Resident and Town Meeting Member Joe White said he would prefer to receive a printed copy.

The Board moved: to print 500 copies of the 2006 Annual Report and make them available to each Town Meeting Member at the 2007 Annual Town Meeting.

Motion carried unanimously (3-0).

ACTION BY WRITING

Signing of November 7, 2006 Election Warrant

The Board moved: to sign the warrant for the statewide election.

Motion carried unanimously (3-0).

Chairman Solomon announced that during the executive session held earlier in the evening, the Board voted to give Town Administrator Younger a 5% increase, retroactive to his anniversary date of April 2006.

The next meeting of the Board will be at 6 PM on October 23. The early start will allow the Board to meet with the School Committee to discuss collective bargaining in executive session. On October 30th, the Board will meet as the Municipal Light Board to discuss a search process for a new Light Department director.

ACTION BY APPOINTMENT (Continued)

KEYSPAN Hearing re: Coolidge Road

Francis O'Leary of Keyspan requested to lay 500 feet of 6-inch gas main on Coolidge Road to provide heat, hot water and cooking to the nearby Winn Brook School.

It was clarified that the school is trying to convert from oil to gas to avoid the continued need for an oil tank on the premises.

The Board moved: to approve the petition on the condition that infrared trench repair be used to repair Brighton Street after the work is complete.

Motion carried unanimously (3-0).

Mr. White informed the Board that there is a strong odor of natural gas across the street from the car wash in Waverley Square. There is also one on Mill Street right by the duck pond. Mr. O'Leary agreed to look into these matters.

ACTION BY WRITING (Continued)

Beech and White Street Four-Way Stop Sign

There have been a number of accidents at this intersection over the years including one recently. Community Development Director Glenn Clancy, having received a report by the Town's traffic consultant that a 4-way stop would be appropriate, recommends 4-way stop signs and a flashing red light in all directions.

The Board moved: to approve the recommendations and authorize DPW and the Light Department to proceed with the changes.

Mr. White noted that when White Street was modified after a previous accident, the money was spent by the Board without additional Town Meeting appropriation (from the funds Town Meeting had already appropriated to pavement management.) He said that

this change did not solve the problem but just made the sidewalk wider, actually making the problem worse. At the time, he said he was told there was not enough traffic to justify a 4-way stop, and asked what has changed since then.

The Board noted that the intersection needed to be re-done for pedestrian safety anyway, and made a copy of the report available to Mr. White.

Motion carried unanimously (3-0).

ACTION BY APPOINTMENT (Continued)

Proposed Town Meeting Articles

The Special Town Meeting is scheduled for November 13, 2006. There are 9 articles proposed. The Warrant Committee voted favorably on the articles to appropriate the additional Chapter 90 and Chapter 70 funds received from the state.

Chapter 90 Funds Appropriation

Mr. Younger explained that this is additional one-time money from the state for roads. The Board had previously recommended using this for sidewalk repair since the Town has cut the budget in this area. The Warrant Committee has approved and MassHighway confirms this in appropriate use of the money.

The Board moved: to approve the article.

Motion carried unanimously (3-0).

Additional Chapter 70 Local Aid Appropriation

Mr. Younger said that Belmont has received approximately \$135,000 in additional local aid over what was budgeted for FY07. After meetings with Superintendent Holland, it has been agreed to split the money 50-50 between Town and schools. The schools will use it for a second grade teacher at Burbank and for a middle school librarian. On the Town side, Mr. Younger has recommended bringing back a police officer position that was cut, bringing the number of officers back to 47. The rest of the money would go to community development and planning professional services which were cut in the budget; \$5,000 for information technology small capital, which was cut in the FY07 budget, and another \$4,300 for sidewalk maintenance. The Warrant Committee has approved this plan.

The Board moved: to approve the article.

Motion carried unanimously (3-0).

Mr. White asked if there was any discussion of using money for the Benton. Mr. Younger said no, it was not on the list of priorities.

The Board proceeded to discussion of zoning articles.

McLean Zone 6 Clarification

Chairman Solomon said there is a disparity between the written language of the zoning for this area and what is indicated on the map itself. There is a funding issue for the state that hinges on this and could delay the affordable housing project. The Board will be asked to send a letter expressing its support for the project to move forward.

The Board moved: to approve the article.

Motion carried unanimously (3-0).

Change from General Residence to Local Business III

This article would move three properties from General Residence to Limited Business zoning. The change has been requested by Dr. Leo deNatale, Jr. to accommodate a third-floor apartment.

The Board moved: to approve the article.

Motion carried unanimously (3-0).

Cushing Square Overlay Zoning

This was discussed in detail at the previous Board meeting.

The Board moved: to approve the article.

Motion carried unanimously (3-0).

Split-Lot Zoning

There was one property that was left out when the split zoned lots were addressed in the spring. This article addresses it.

The Board moved: to approve the article.

Motion carried unanimously (3-0).

Free Standing Signs

This article would reduce the allowable height and size of free-standing signs in LBI and LBIII districts. The Planning Board feels that the signs are aimed at vehicles but are in pedestrian areas.

The Board asked to see photos of some examples before taking a vote.

Mr. Conti reviewed the remaining two land-related articles. One would authorize a small land taking and easement necessary for proposed signalization on Pleasant Street as part of the ongoing road reconstruction. The second would allow the town to convey small parcels of land on Sherman Street to the abutters. The land is currently in default and the Town plans to take title to it. The Board requested more information before voting on these articles.

There may be one additional property article added regarding recreational land near the new Senior Center. Tom is working on this.

The Board discussed the proposal to change the status of the Municipal Light Advisory Board. Chairman Solomon said the Warrant Committee unanimously recommended removing it from the warrant. He said he supports the proposed change in Light Department governance but does not feel the November Town Meeting is the right time for discussion. Selectman Firenze clarified that the Advisory Board never officially asked that it be put on the warrant. The Warrant Committee has recommended that the Advisory Board come and discuss the matter with them. The chairs of the two groups have since met and agreed to arrange this.

Town Administrator's Report

Mr. Younger reported on the following items:

- Police Chief search process: The deadline for receiving applications has now passed and the resumes are being reviewed. There are at least 25 internal and external candidates. Preliminary interviews of acceptable candidates (at least 10) will come next.
- Fall leaf curbside collection with a yard waste sticker on the regular trash day will run from October 23 to December 7.
- Abandoned bicycles have been removed from the bike rack in Cushing Square.
- Sandler property: The exposed wiring is being examined. It has been determined that commercial vehicles are allowed to park there because it is zoned as LBII. An October 24 public meeting with neighbors has been scheduled.
- Fire Stations: The rear of Station 2 on Alexander Avenue will be mostly public parking. The Town is also regaining use of the spaces on Leonard Street that had been reserved for emergency vehicles. The dedication ceremony for the new fire stations will be Saturday, October 21 at 1 PM at the new headquarters on Trapelo Road. About ten individuals came for a walkthrough of the Harvard Lawn Fire Station – development proposals are due by October 24.

- Signs on the MBTA bridge: There is a concern about public safety - signs coming loose and falling on the roadway during a storm. For this reason MassHighway recently has decided not to allow any more signage on the exterior of their bridges. Beginning November 1, the Town will notify sign owners to take down their signs on the bridge and that we will not allow signage there in the future for safety and zoning reasons.
- The Department of Revenue has certified Belmont's free cash from FY06 at \$5 million, up from \$1.7 million the year before. A lot of that is one-time money that came in from frugal budgeting and aggressive pursuit of unpaid taxes and bills by department heads. Free cash is what is left over after budgeted expenditures. The Board would like to have a conversation with the Warrant Committee about how to allocate this money: how much to reserves and how much to the coming year's capital and/or operating budgets to offset all or part of a projected \$1 million plus deficit. It was clarified that only Town Meeting can authorize any expenditure of this money.

ACTION BY WRITING (Continued)

MEPA review letter to ZBA regarding the Uplands

The Board has been requested by some residents to send a letter to the Zoning Board of Appeals (ZBA) on the following issues relative to the Uplands 40B development:

1) Residents have requested the Board clarify that it hopes the ZBA will authorize as small a development as possible on the site.

Selectman Firenze clarified the Board has already expressed this in its previous letter to the ZBA. The Board decided it is comfortable with re-iterating this.

2) The recent decision of the ZBA to empanel one member of the board to conduct negotiations with the developer and report back to the full board. Residents are concerned that the process should be as open as possible.

There was discussion of the value of being able to conduct negotiations in private, as long as all decisions are made in open meeting. The Board agreed that because of the charged environment around this question, it hopes that the ZBA will choose to conduct as much of the negotiations in public view as possible.

3) Massachusetts Environmental Protection Act (MEPA) review. The many changes proposed from the original office park proposal would warrant a new MEPA review. O'Neill does not agree that it needs to be done at this stage in the process; it merely has to be done at some point before construction begins.

The Board hopes that all environmental information, including MEPA input, would be in the ZBA's hands at the time the decision on approval of the project is made.

The Board moved: to have the Town administrator re-draft the letter along the lines just discussed for the Board to sign at its next meeting.

Motion carried unanimously (3-0).

A fourth issue raised by residents is support for the Havern bill to require a comprehensive traffic study of the Alewife area and put a moratorium on highway permits in the Route 2 corridor until the study is complete. Selectman Firenze said he is not prepared to support the moratorium provision but would support the study.

The Board moved: to write to House Speaker DiMasi to convey the Board's support for passage of the bill - unanimously for the study provision and by a 2-1 margin for the moratorium provision.

Motion carried unanimously (3-0).

OTHER

November 9 has been proposed as the date for the traditional warrant discussion meeting sponsored by the League of Women Voters.

The Board discussed the fact that some high-priced parcels of land abutting the school have recently been sold to Belmont Hill School. This will result in a \$30,000 annual loss in tax revenue to the Town. This raises the question of whether the Town should re-visit the issue of payment in lieu of taxes (PILOT) with both of the private schools in town and the Belmont Country Club which has a special tax classification.

Selectman Firenze said Belmont Hill has been a great neighbor and very co-operative, however, the loss of more tax revenue will have an impact. Hopefully they will be responsive to such a discussion.

The Board of Assessors is researching what other communities do for PILOTs.

The Board recommended that the Town Administrator pursue this issue with the Belmont Hill School.

The Board discussed whether it should take a position on ballot question 1 relative to wine sales in food markets. Selectman Firenze reported that the Massachusetts Municipal Association took no action on the measure and remains neutral.

Mr. Younger said that Town Counsel has opined that since Belmont does not recognize M.G.L. Chapter 138 and is a home rule petition town, this would not affect Belmont at all. In other towns, this would give chain stores the ability to sell wine in more than three locations statewide. Non-chain stores can sell wine already. Selectman Brownsberger was unsure and requested a written opinion from Town Counsel.

The Board moved: to so request.

Motion carried unanimously (3-0).

There was discussion of changing the hours of the overnight parking ban from the current 1-7 AM to 1-6 AM. This would require a by-law change. The parking group will discuss and make a recommendation.

The state Department of Conservation and Recreation has rescinded approval for Belmont High School's crew team to launch their boats. The team's advisor is trying to find a solution.

The Board moved: to have the Town Administrator write a letter to the commissioner of DCR expressing the Board's support for the crew advisor's efforts.

Motion carried unanimously (3-0).

There was discussion of a proposed stormwater by-law article. It was clarified this is not ready for the November Town Meeting. The Storm and Sewer Committee would be the group to develop such a by-law.

Mr. White said that having looked at the traffic report on Beech and White Streets, the only criteria necessary for the stop signs was the volume of accidents. There was no traffic flow requirement. He agreed that the report answers the question he had raised about what had changed.

The Board adjourned at 10:05 PM.

Thomas G. Younger
Town Administrator